

DEPARTMENT OF PERSONNEL AND ADMINISTRATION

Division of Central Services

LEASING RULES FOR CAPITOL COMPLEX TENANTS

1 CCR 103-5

[Editor's Notes follow the text of the rules at the end of this CCR Document]

Statement of Basis, Purpose and Authority

The purpose of these rules is to establish occupant rules in relationship to space assigned to State agencies in the Capitol Complex Program of the Division of Central Services (DCS) of the Department of Personnel & Administration (DPA). Statutory authority exists in §24-30-1303, C.R.S.

1.0 Definitions

- 1.1 "Capitol Complex Program" means the Program established under section § 24-1-136.5, 34-30-1303, 24-82-101 through 103 and 18-9-117 C.R.S.
- 1.2 "DPA Tenant Handbook" means the handbook developed by DPA and the Capitol Complex Program that provides information regarding building services, requests, processes, contact names, telephone numbers and forms.
- 1.3 "Premises" means usable space assigned to a particular agency.
- 1.4 "Building" means the particular structure within the Capitol Complex program where an Occupant is assigned space.
- 1.5 "Office Space" means any function or use associated with the Occupant or its programs.
- 1.6 "Occupant" means the State Agency receiving Common Policy Allocations to use for Leased Space Payments of Office Space.
- 1.7 "Leased Space Payments" are payments made by Occupant to Owner for assigned Office Space. Leased Space Payments are calculated by DPA and based on each Building's particular composition of square footage, number of tenants, and operating costs.
- 1.8 "Owner" means the Capitol Complex Program.
- 1.9 "Common Policy Allocation" means the funds allocated to State agencies to make Leased Space Payments by Colorado's Office of State Planning & Budget and the Joint Budget Committee.

2.0 Responsibilities of Occupant

- 2.1 Use of Premises:
 - 2.1a Occupant agrees that the Premises shall be used and occupied only as Office Space in a careful, safe and proper manner, and that it will pay on demand for any damage of the Premises caused and the misuse of same by its guest, invitees, agenda or employees.
 - 2.1b Occupant agrees that they will not assign or sublet any portion of the Premises without prior written approval from the Owner.
 - 2.1c Occupant shall not use or permit the Premises to be used for any purposes prohibited by the laws or regulations of the United States or the State of Colorado, the ordinances of the City and County of Denver, or other governmental entity with jurisdiction.
 - 2.1d Occupant shall not permit any nuisance in the Premises.
 - 2.1e Occupant will not use utility rooms, janitorial closets, electrical or telephone rooms or similar spaces as Office Space.
 - 2.1f Occupant and its guests, invitees, agents, contractors and employees agree to comply with the rules, procedures and other requirements contained in the Capitol Complex Program's Tenant Handbook.
- 2.2 Payment:
 - 2.2a Common Policy Allocation for Leased Space Payments is established by DPA based upon historic data established in common policy. Any changes to square footage use of an Occupant must be initiated by the Occupant according to Termination Rule 7.0.
 - 2.2b Occupant must verify that the approved Common Policy Allocation is accurate for the agency's assigned Office Space prior to June 30 of each year.
 - 2.2c Occupant must provide correct accounting codes to the Capitol Complex Program prior to June 30 of each year.
- 2.3 Alterations to Premises:
 - 2.3a Occupant shall not make any structural or non-structural changes or alterations to the Premises without the prior written approval of Owner in accordance with the process outlined under Tenant Improvements in the DPA Tenant Handbook.
- 2.4 Occupancy of Premises
 - 2.4a Occupant shall pay the cost of all improvements and tenant finish to the Premises prior to occupancy, upon the approval of the Capitol Complex Program.
- 2.5 Content of Office Space:
 - 2.5a Occupant shall be responsible for all agency acquired property and must maintain updated contents values through DPA's Risk Management Section.

4.0 Responsibilities of Owner

- 4.1 Services provided by the Owner are outlined in the DPA Tenant Handbook.

5.0 Fiscal Funding:

- 5.1 Financial obligations of both Owner and Occupant after the current fiscal year are contingent on funds for that purpose being appropriated, budgeted, and otherwise made available by the State of Colorado

6.0 Hold Over:

- 6.1 If the Occupant is required to remain on the Premises longer than fiscal funding allows, the Occupant will be responsible for making Leased Space Payments to the Capitol Complex Program at the current rates.

7.0 Termination:

- 7.1 The Lease or assignment of Office Space may be terminated by either party with written notice to the other party on or before June 1st of each calendar year, to be effective on June 30th the following calendar year. The Occupant may also terminate the Lease or assignment of Office Space by providing the Owner with a 90 day written, Notice to Terminate. In the event the Occupant exercises this option, the Occupant agrees to continue making Leased Space payments until the June 30 that is not less than 12 months from the date Owner received the Notice to Terminate, or until the Owner is able to secure new Occupants with reasonable diligence, whichever occurs first.

8.0 Appeals:

- 8.1 All appeals and hearings which are required by law regarding these rules, provided and conducted in accordance with the equipments of article 4 of Title 24, C.R.S. Citing the specific statute range(s).

Editor's Notes**History**

Entire Rule eff. 07/01/2010.

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